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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/882,304 | 06/18/2001 | Colleen C. Lubking | 05793.3038-00000 | 6864 |
| 22852 | 7590 | 11/02/2006 | EXAMINER | |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | MILEF, ELDA G | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3692 | |

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/882,304 | Applicant(s) LUBKING ET AL. | |
| | Examiner Elda Milef | Art Unit 3692 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-7, 13, 14, 17, 21-24 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-7, 13-14, 17, 21-24, 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 14, 17, 24, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran (US Patent No. 6,430,542).

Re claim 1: Moran discloses:

receiving customer information from an application database ("the Persistence subsystem 232 preferably interfaces with a relational database management system (RDMS)238...Preferably, FAS 10 allows inter alia client data to be entered...The exporting and importing of files between advisors is preferably accomplished by the exporting of a client as an 'economic group'...")-see col. 6 lines 21-67, and Figs. 2 and 4. It is obvious from the teachings of Moran that the databases maintained by the financial advisors contain customer

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information provided by the customer per requests from the financial product provider for information.;

analyzing the received customer information using a filter that categorizes a customer into a life status, wherein the life status corresponds to the customer's demographic classification ("In general, Economic Group 200 reflects the demographics of the group for which the planning is being done...Thus, Plan 235 preferably constructs those text, table, and graphic outputs desired in a financial proposal...The Economic Groups 200 subsystem is preferably the portion of FAS 10 which represents the target of the advisor's financial planning activities...FAS10 preferably further subdivides EG 200...into demographically narrowing classifications")-see col. 11 line 36-col. 12 line 28;

selecting, from a set of financial products, a first financial product for the customer based on said life status using a data structure that relates each life status type to a particular financial product ("While FAS 10 prefers only one EG200 exists per planning scenario...")-see col. 14 lines 35-42, and col. 15 lines 9-20;

monitoring, periodically, the customer information for changes; automatically revising, based on a change to the customer information, the customer's life status-see col. 14 lines 43-54;

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selecting, from the set of financial products, a second financial product for the customer based on said revised life status using the data structure that relates each life status type to a particular financial product-see col. 14 lines 43-67, and "alternative view" col. 28 lines 45-65.

Also, see Figure 16 and related text.

Re claim 14: Moran discloses periodically receiving said customer information-see col. 13 line 36- col. 14 line 67, col. 23 lines 50-56.

Re claims 17: Further a system would have been necessary to perform the method of previously rejected claim 1 and is therefore rejected using the same art and rationale.

Re claim 24: Moran discloses a computer, with a memory having program instructions and a processor configured to perform the remaining steps of claims 1 and 17. -see Figs. 1, 2, 4 and cols. 6 and 7 and claims 1 and 17 above.

Re claims 31-33: Moran discloses a method, system, and computer for providing a financial product to a customer wherein the data structure comprises an algorithm.-see cols. 11-12.

2. Claims 5-7, 13, 21-23, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Kunzle (PG. Pub. No. 2002/0023051).

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Re claims 5-7, 13: Although Moran discloses offering multiple financial plans per group in col. 14 lines 35-42, Moran does not specifically disclose determining the creditworthiness of the customer; optimizing and offering said first and second financial products based on said creditworthiness. Kunzle however, teaches ("The system may also approve a customer for a recommended financial product...Preferably, these terms are set based upon the creditworthiness or financial condition of the customer...The system also enables customers to select and accept one or more other financial products from the one or more financial products recommended...")-see pars. 26 and 27. It is obvious that the invention disclosed by Kunzle is optimizing the first and second financial products because the system will approve the customer based on creditworthiness, therefore, the system will offer products that the reduces credit risk to the financial institution. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moran to include determining the creditworthiness of a borrower as taught by Kunzle in order for the financial institution to reduce credit risk.

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Re claims 21-23: Further a system would have been necessary to perform the method of previously rejected claims 5-7 and are therefore rejected using the same art and rationale.

Re claims 28-30: Further a computer would have been necessary to perform the method of previously rejected claims 5-7 and are therefore rejected using the same art and rationale.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 5-7, 13, 14, 17, 21-24, and 28-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Thursday 8:30 am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elda Milef
Examiner
Art Unit 3692


RICHARD E. CHILOOT, JR.
SUPERVISORY PATENT EXAMINER